

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 861**

**Introduced by Assembly Member Bass**

February 18, 2005

---

An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 861, as amended, Bass. Professions and vocations: licensure.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny licensure on certain grounds, including on the grounds that the applicant has been convicted of a crime.

This bill would exempt ~~certain~~ licenses *regulated by the Bureau of Automotive Repair, by the Board of Barbering and Cosmetology, by the Cemetery and Funeral Bureau, by the Bureau of Electronic and Appliance Repair, by the Bureau of Home Furnishing and Thermal Insulation, and by the Structural Pest Control Board* from the provisions authorizing the denial of licensure for conviction of a crime with respect to a conviction for a nonviolent drug possession offense or a conviction for a misdemeanor or a felony that is not a serious or violent felony, if certain other conditions are met.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 480 of the Business and Professions Code is amended to read:

480. (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself, *herself*, or another, or substantially injure another; or

(3) Done any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

~~(b) Except for the Dental Board of California, the Medical Board of California, the State Board of Optometry, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Registered Nursing, the Bureau of Security and Investigative Services, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Respiratory Care Board of California, the Acupuncture Board, the California Board of Podiatric Medicine, the Committee on Dental Auxiliaries, the Physician Assistant Committee, and the Osteopathic Medical Board of California, a board may not deny~~

~~(b) The Bureau of Automotive Repair, the Board of Barbering and Cosmetology, the Cemetery and Funeral Bureau, the Bureau of Electronic and Appliance Repair, the Bureau of Home Furnishing and Thermal Insulation, and the Structural Pest~~

1 *Control Board may not deny* a license pursuant to subdivision (a)  
2 on the basis of any of the following:

3 (1) A conviction for a nonviolent drug possession offense, as  
4 defined in subdivision (a) of Section 1210 of the Penal Code, or  
5 a misdemeanor, when the person convicted is free of any  
6 sentence, suspended sentence, probation or parole, and does not  
7 have any felony or misdemeanor charges pending.

8 (2) A conviction for a felony, other than a felony under  
9 subdivision (a) of Section 1210 of the Penal Code, that is not a  
10 serious felony as defined in Section 1192.7 of the Penal Code or  
11 a violent felony as defined in Section 667.5 of the Penal Code,  
12 when the person convicted has been free of any sentence,  
13 suspended sentence, probation, or parole for a period of at least  
14 two years and does not have any felony or misdemeanor charges  
15 pending.

16 (c) Notwithstanding any other provision of this code, no  
17 person shall be denied a license solely on the basis that he has  
18 been convicted of a felony if he *or she* has obtained a certificate  
19 of rehabilitation under Section 4852.01 and following of the  
20 Penal Code or that he *or she* has been convicted of a  
21 misdemeanor if he *or she* has met all applicable requirements of  
22 the criteria of rehabilitation developed by the board to evaluate  
23 the rehabilitation of a person when considering the denial of a  
24 license under subdivision (a) of Section 482.

25 (d) A board may deny a license regulated by this code on the  
26 ground that the applicant knowingly made a false statement of  
27 fact required to be revealed in the application for ~~such~~ *the*  
28 license.